

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JUNE 20, 2005
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:14 p.m. Mayor Murphy recessed the meeting at 3:12 p.m. to convene the Budget Review Committee. Mayor Murphy reconvened the regular meeting at 7:43 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 7:47 p.m. into Closed Session in the 12th floor committee room to discuss existing and pending litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (ek)

FILE LOCATION:

MINUTES



ITEM-1:

ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

FILE LOCATION:

MINUTES



ITEM-10:

INVOCATION

Invocation was given by Pastor Ruben Mondragon
of Horizon Christian Fellowship.

FILE LOCATION:

MINUTES



ITEM-20:

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Ralph Inzunza.

FILE LOCATION:

MINUTES



ITEM-30:

Gene Bier Day.

**DEPUTY MAYOR ZUCCHET'S AND COUNCILMEMBER FRYE'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1281) ADOPTED AS RESOLUTION R-300536

Commending and thanking Gene for all of his contributions to improving the quality of life for his students, and enriching their lives now and into the future;

Proclaiming June 20, 2005, to be “Gene Bier Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:26 p.m.)

MOTION BY FRYE TO ADOPT. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

CLOSED SESSION:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 *Clark v. City of San Diego, et al.*
San Diego Superior Court No. GIC 834061

REFERRED TO CLOSED SESSION OF TUESDAY, JUNE 21, 2005

ACA assigned: K. Katz

This case involves a claim filed by an employee of the City of San Diego. In closed session, the City Attorney will brief the Mayor and City Council on the matter and discuss a settlement demand.

Mayor Murphy closed the hearing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:43 p.m. – 2:43 p.m.)

CS-2 *George Amancio et al. v. City of San Diego*
Claim No. LP05-0705-0728

REFERRED TO CLOSED SESSION OF TUESDAY, JUNE 21, 2005

DCA assigned: A. Jones

This is a claim for a sewer main backup which flooded two apartments of a four-unit complex at 3730 Swift Avenue. In closed session, the City Attorney will brief the Mayor and City Council on the matter and discuss a possible settlement.

Mayor Murphy closed the hearing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:43 p.m. – 2:43 p.m.)

CS-3 *Kari Livingstone, et al. v. City of San Diego*
Claim Nos. LP05-7773-0596; LP05-7773-0597

REFERRED TO CLOSED HEARING OF TUESDAY, JUNE 21, 2005

DCA assigned: A. Jones

This is a claim for a water main break which caused flood damage to the real and personal property of residents on Galveston and Tonopah Streets in Bay Park. In closed session, the City Attorney will brief the Mayor and City Council on the matter and discuss a possible settlement.

Mayor Murphy closed the hearing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:43 p.m. – 2:43 p.m.)

CS-4 *Border Business Park v. City of San Diego*

Appellate Case No. D039225; SDSC Case No. GIC 692794

Otay Acquisitions v. City of San Diego

SDSC Case No. GIC 753247

National Enterprises, Inc. v. City of San Diego

SDSC Case Nos. GIC 791407; GIC 805465

REFERRED TO CLOSED HEARING OF TUESDAY, JUNE 21, 2005

ACA assigned: L. Girard

These matters involve a variety of disputes between certain companies owned or controlled by Roque de la Fuente and the City of San Diego [City] regarding the Border Business Park in Otay Mesa. The Border Business Park case resulted in a jury verdict against the City which is now on appeal. The National Enterprises and Otay Acquisitions cases are currently awaiting trial in the Superior Court. The Border Business Park case has been referred to a mediation process in the appellate court. In closed session the City Attorney will report on the status of the mediation and request appropriate direction.

Mayor Murphy closed the hearing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:43 p.m. – 2:43 p.m.)

- * ITEM-50: Joint Use Agreement with the San Diego Unified School District for the Construction, Operation, Maintenance, and Lease of Turfed Fields at Vista Grande Elementary School.

(Tierrasanta Community Area. District 7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/6/2005, Item 53. (Council voted 9-0):

(O-2005-128) ADOPTED AS ORDINANCE O-19389 (New Series)

Authorizing the City Manager to execute an agreement with the San Diego Unified School District (SDUSD), for the construction, operation, maintenance and lease of joint use facilities at Vista Grande Elementary School, under the terms and conditions set forth in that agreement.

FILE LOCATION: LEAS-San Diego Unified School District

COUNCIL ACTION: (Time duration: 2:43 p.m. – 2:46 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-51: License Agreement with Hickman Youth Athletic Association, Inc. for the Use of Hickman Youth Fields and the Right to Construct Improvements.

(Kearny Mesa Community Area. District 6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/6/2005, Item 54. (Council voted 9-0):

(O-2005-137) ADOPTED AS ORDINANCE O-19390 (New Series)

Authorizing the City Manager to execute, for and on behalf of the City of San Diego, a License Agreement with Hickman Youth Athletic Association, for the use of Hickman Youth Fields and the right to construct improvements thereon for a twenty-five year term, under the terms and conditions as set forth in the License Agreement.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:43 p.m. – 2:46 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-52: Amendment No. 3 to the Agreement with Lee & Ro, Inc. for Design Services for Point Loma Wastewater Treatment Plant Grit Improvement Project.

(Point Loma Community Area. District 2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/6/2005, Item 60, Subitem A. (Council voted 7-0. Councilmembers Peters and Inzunza not present):

(O-2005-126) ADOPTED AS ORDINANCE O-19391 (New Series)

Authorizing the City Manager to execute Amendment No. 3 to the Agreement to re-phase \$300,000 of the amount authorized in Amendment No. 2 from FY 2005 to FY 2007 for design services in connection with the Grit Processing Improvement Project (the Project);

Authorizing the City Manager to approve a revised phase funding schedule for the Agreement in the following manner, provided that the City Auditor and Comptroller first furnishes a certificate or certificates demonstrating that the funds necessary for expenditure under the Agreement as amended are, or will be, on deposit in the City Treasury, and contingent upon the passage of the FY 2007 Capital Improvement Program budget and Appropriation Ordinance:

Phase 1 - \$500,000 FY 2004 (previously authorized by R-297457)

Phase 2 - \$300,000 FY 2007 (contingent upon Council approval of the FY 2007 Budget)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:43 p.m. – 2:46 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-60: Two actions related to Joint Use Agreement with San Ysidro School District (SYSD) for Construction, Operation, Maintenance, and Use of Turf Fields, Radial Drive, School Parking, and Accessible Routes at Ocean View Hills Middle School.

(Otay Mesa Community Area. District 8.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance in Subitem A, and adopt the resolution in Subitem B:

Subitem-A: (O-2005-43) INTRODUCED, TO BE ADOPTED
MONDAY, JULY 18, 2005

Introduction of an Ordinance authorizing the City Manager to execute an agreement with the San Ysidro School District (SYSD) for the Construction, Operation, Maintenance, and Use of Turf Fields, Radial Drive, School Parking, and Accessible Routes at Ocean View Hills Middle School (Agreement).

Subitem-B: (R-2005-687) ADOPTED AS RESOLUTION R-300537

Declaring the information contained in the final document, including any comments received during the public review process, has been reviewed and considered by this Council in connection with the Ocean View Hills Middle School Joint Use Agreement;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

CITY MANAGER SUPPORTING INFORMATION:

Ocean View Hills Middle School is located at Del Sol Boulevard and Surfcrest Drive, San Diego,

California, 92154, in the Otay Mesa Community. The proposed joint use agreement with the San Ysidro School District (SYSD) would provide for an additional five acres of turf fields adjacent the future 15 acre park. This project will help to satisfy the community's and school district's recreational and athletic program needs. The General Development Plan will be approved through the Park and Recreation Department approval process.

Although, there is no MOU with SYSD, the conditions of the proposed agreement are modeled after the MOU with San Diego Unified School District (SDUSD). The City and the SDUSD have been cooperating in the use of numerous recreational facilities in accordance with the City-SDUSD Recreation Agreement of September 1948, and the Memorandum of Understanding Between the City and SDUSD for the Development and Maintenance of Joint Use Facilities (MOU) adopted by the San Diego City Council on October 7, 2002 (Resolution No. 297149) and by the SDUSD's Board of Education on October 8, 2002. The proposed turf fields at Ocean View Hills Middle School will be developed and maintained through this twenty-five (25) year no fee joint use agreement with the SYSD. The terms of the agreement allow for the development, operation, and maintenance of irrigated and turfed multi-use playing fields and parking lot. The improvements to the fields will be funded by SYSD and included in the Proposition MM school construction contract. In return, the City will maintain the fields until the expiration of the term of the lease or until parity is met whichever comes first. The agreement is subject to renewal.

FISCAL IMPACT:

Funding for design and construction of the turf fields, in the amount of \$1,250,000, will be provided by the SYSD as a part of the school construction. Since the SYSD is providing the land and development of the joint use fields, the City will be responsible for the operation and maintenance for a substantial amount of time until parity is reached as outlined in this joint use agreement. The joint use fields will cost approximately \$42,500 (\$8,500 an acre) in annual operating costs. New operation and maintenance funding was not proposed in the FY 06 budget. Therefore, the annual maintenance costs are proposed to come from reallocating existing Park and Recreation Department Community Parks II Operating Budget. These demands will require staff from surrounding park sites to do maintenance at the new joint use area.

Herring/Oppenheim/AP

Staff: April Penner – (619) 525-8223
Shannon M. Thomas – Deputy City Attorney

FILE LOCATION: SUBITEM A: NONE
SUBITEM B: MEET

COUNCIL ACTION: (Time duration: 2:43 p.m. – 2:46 p.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE THE ORDINANCE IN SUBITEM A AND ADOPT THE RESOLUTION IN SUBITEM B. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-100: Adoption of the National Incident Management System (NIMS).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1254) ADOPTED AS RESOLUTION R-300538

Adopting the National Incident Management System (NIMS) as the City's emergency management standard.

CITY MANAGER SUPPORTING INFORMATION:

In Homeland Security Directive-5, the President directed the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for federal, state, local, and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from disasters, regardless of cause, size, or complexity. In Executive Order S-2-05 Governor Schwarzenegger directed his State Offices of Emergency Management and Homeland Security to implement NIMS and integrate it into the state's emergency management system. California has been a pioneer in the development of the Standardized Emergency Management System (SEMS) and the emergency Incident Command System (ICS). NIMS is modeled after these systems. Beginning FY 2007, federal preparedness and grant assistance will be conditioned by full compliance with NIMS. The first step in NIMS compliance, to be completed in FY 2005, is formally recognizing NIMS and adopting its policies and procedures. Additional steps include: NIMS training (on-line, independent study course) for emergency responders and managers, and validation that City emergency plans, policies, procedures and training programs are NIMS compliant. By adopting this resolution the City Council directs the use of nationwide standardized emergency management terminology and organizational structures; a standardized Incident Command System; interoperable communications; consolidated action plans; unified command structures; uniformed personnel qualification standards for emergency planning, training, and exercising; common and comprehensive resource management; and the use of designated incident facilities during emergencies or disasters. Except for minor emergency organization changes, emergency plan

validation, and training, the City's current use of SEMS and ICS substantially meets NIMS compliance.

FISCAL IMPACT:

Adoption of NIMS incurs virtually no costs to the City (training costs, if any, are reimbursable under the Urban Area Security Initiative Grant.) Not adopting this resolution would preclude the City from applying for certain federal Homeland Security grants, and could preclude reimbursement to the City for costs expended during and after a declared emergency.

Arellano/Ghio/DCH

Staff: David Harrison – (619) 533-6764
Joseph Sanchez – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:43 p.m. – 2:46 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein.
Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-101: Settlement of Personal Injury Claim of Erin Snow and Lisa Darling.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1279) ADOPTED AS RESOLUTION R-300539

Authorizing and empowering the City Manager to pay the sum of \$157,500 to Erin Snow and Lisa Darling and their attorneys, in settlement of the matter Erin Snow and Lisa Darling v. City of San Diego, et al., United States District Court Case No. 03cv527LAB (BLM), for each and every cause of action alleged by Erin Snow and Lisa Darling against the City of San Diego, its agents and employees, and each and every claim resulting from the Personnel Claims of Erin Snow and Lisa Darling;

Authorizing the City Auditor and Comptroller to issue a check, made payable to the Law Office of Michael A. Conger, in trust, for the benefit of Erin Snow and Lisa Darling in the amount of \$157,500. This constitutes the complete and final settlement of the Personnel Claims of Erin Snow and Lisa Darling against the City of San Diego, its agents and employees.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of a litigated claim which arises from a Personnel matter which occurred during the 2001-2003 timeframe.

This settlement and payment has been heard by the City Council in closed session.

Herring/Lopez/JE

Aud. Cert. 2501050.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

Staff: Janice Ellis – (619) 236-7705
Mark Stiffler – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:43 p.m. – 2:46 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein.
Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-nay.



* ITEM-102: Appointments and Reappointments to the Horton Plaza Theatres Foundation Board of Directors.

(See memorandums from Mayor Murphy dated 5/26/2005 and Deputy Mayor Zucchet dated 2/3/2005, with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1277) ADOPTED AS RESOLUTION R-300540

Declaring by the Council of the City of San Diego, that the following individuals are hereby reappointed and appointed, to serve as members to the Horton Plaza Theatres Foundation Board, for three-year terms ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Victor M. Perez (Oak Park, Dist. 4) (Replacing Darlene Davies, whose term expired June 7, 2004)	June 7, 2007
Mary Christina Mattson (North Park, Dist. 3) (Replaces Cheryl Fisher, whose term expired June 7, 2004)	June 7, 2007
Martha Ehringer (University City, Dist. 1) (Reappointment, whose first term expired August 31, 2004)	August 31, 2007
Paul Marshall (Pacific Beach, Dist. 2) (Reappointment, whose first term expired June 7, 2004)	June 7, 2007

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:43 p.m. – 2:46 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein.
Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-103: MITRE San Diego Day.

DEPUTY MAYOR ZUCCHET'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1308) ADOPTED AS RESOLUTION R-300541

Recognizing the MITRE Corporation's continuing contributions to the San Diego community and to national defense;

Proclaiming Thursday, June 16, 2005, to be "MITRE San Diego Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:43 p.m. – 2:46 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein.
Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-104: Walter J. Zable Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1282) ADOPTED AS RESOLUTION R-300542

Honoring, commending, and thanking Walter Zable for all of his contributions to improving the quality of life for San Diegans.

Proclaiming June 17, 2005, to be "Walter J. Zable Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:43 p.m. – 2:46 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein.
Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea,
Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-105: Excusing Councilmember Young from Attending the Public Safety and
Neighborhood Services Meeting on May 18, 2005.

COUNCILMEMBER YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1310) ADOPTED AS RESOLUTION R-300543

Excusing Councilmember Anthony Young from attending the regularly scheduled
Public Safety and Neighborhood Services meeting of May 18, 2005.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:43 p.m. – 2:46 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein.
Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea,
Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-106: Excusing Councilmember Madaffer from Attending the Special City Council
Meeting on May 31, 2005.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1280) ADOPTED AS RESOLUTION R-300544

Excusing Councilmember Jim Madaffer from attending the Special City Council
meeting on May 31, 2005.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:43 p.m. – 2:46 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein.
Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea,
Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-107: Declaring a Continued State of Emergency Regarding the Discharge of Raw
Sewage from Tijuana, Mexico.

(District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-1298) ADOPTED AS RESOLUTION R-300545

Declaring a Continued State of Emergency regarding the discharge of raw sewage
from Tijuana, Mexico.

FILE LOCATION: GEN'L- State of Emergency Regarding the Discharge of
Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Time duration: 2:43 p.m. – 2:46 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein.
Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea,
Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-108: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis
C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-1291) ADOPTED AS RESOLUTION R-300546

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

FILE LOCATION: GEN'L - Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV)

COUNCIL ACTION: (Time duration: 2:43 p.m. – 2:46 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

* ITEM-109: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:
(R-2005-596) ADOPTED AS RESOLUTION R-300547

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: GEN'L - State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego

COUNCIL ACTION: (Time duration: 2:43 p.m. – 2:46 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein.
Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-250: Notice of Pending Final Map Approval – The Bentley.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “The Bentley” (T.M. No. 71351/PTS No. 40963), located northwesterly of Monroe Avenue and Wilson Avenue in the Mid-City/Normal Heights Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-251: Notice of Pending Final Map Approval – Coronado View.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Coronado View” (T.M. No. 48355/PTS No. 61188), located northeasterly of “B” Street and 22nd Street in the Greater Golden Hill Community Plan Area in Council District 8, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-252: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a “Notice of Completion and Acceptance of Subdivision Improvement Agreement” indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

COMMUNITY AREA

The Heights of Del Cerro	Navajo
Carmel Valley Neighborhood 10 North Units 5 & 6	Carmel Valley
Carmel Valley Neighborhood 10 Units 7, 8 & 10	Carmel Valley
Del Mar Highlands Estates	Carmel Valley
Piper Ranch Business Park	Otay Mesa

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director of Development Services or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.



[ITEM-S400:](#) Special Systems Unit Day.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1346) ADOPTED AS RESOLUTION R-300548

Recognizing the Special Systems Unit of the Communications Division for their professionalism and efforts for the City of San Diego;

Proclaiming June 20, 2005, to be "Special Systems Unit Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:20 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



ITEM-S401: Community Emergency Response Team – CERT Day.

COUNCILMEMBER MADAFFER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1337) ADOPTED AS RESOLUTION R-300549,
WITH DIRECTION

Recognizing the overwhelming success of the CERT program;

Proclaiming June 20, 2005, to be “Community Emergency Response Team – CERT Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:42 p.m.)

MOTION BY MADAFFER TO ADOPT WITH DIRECTION BY COUNCIL MEMBER MAIENSCHIN THAT THE CITY MANAGER DESIGNATE ANY AVAILABLE FUNDS FROM DISTRICT FIVE AS A CONTRIBUTION TO THE COMMUNITY EMERGENCY RESPONSE TEAM. Second by Maienschein.

Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S402: Two actions related to 2002 Resources Bond Per Capita Allocation.

(See City Manager Report CMR-05-147. Balboa Park, San Pasqual Valley, and Mission Trails Regional Park Community Areas. Districts 3, 5, and 7.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-1335) TRAILED TO TUESDAY, JUNE 21, 2005

Authorizing the City Manager, or his representative, to apply to the State of California's Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal

Protection Act of 2002 in (Roberti-Z'Berg-Harris Per Capita OR Per Capita) funds for \$2,557,570 for the construction of the following projects (Projects):

- a) CIP-21-855.0, Balboa Park - Historical/Cultural Projects; and
- b) CIP-20-100.3, Old Mission Dam Preservation and Improvements to the San Diego Archaeological Center in the San Dieguito River Park.

Authorizing the City Manager to take all necessary actions to secure funding from the State of California for CIP-21-855.0, Balboa Park - Historical Cultural Projects, and CIP-20-100.3, Old Mission Dam Preservation and Improvements to the San Diego Archaeological Center in the San Dieguito River Park;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds, if grant funding is secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the grants;

Amending the Fiscal Year 2006 Capital Improvements Program Budget, by increasing the budget amount by \$2,537,570 for the following projects:

- a) \$1,837,570 for CIP-21-855.0, Balboa Park - Historical/Cultural Projects, 2002 Resources Bond per Capita; and
- b) \$700,000 for CIP-20-100.3, Old Mission Dam Preservation, 2002 Resources Bond per Capita.

Authorizing the City Auditor and Comptroller to appropriate an amount not to exceed \$1,837,570 in CIP-21-855.0, Balboa Park - Historical/Cultural Projects, 2002 Resources Bond per Capita;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$700,000 in CIP-20-100.3, Old Mission Dam Preservation, 2002 Resources Bond per Capita, upon receipt of a fully executed grant agreement.

Subitem-B: (R-2005-1336) TRAILED TO TUESDAY, JUNE 21, 2005

Stating for the record that Old Mission Dam is a subsequent discretionary approval of the Project addressed in Environmental Impact Report and therefore not a separate project under CEQA Guideline Sections 15060(c)(3) and 15378(c);

Stating for the record that the information contained in the final Environmental Impact Report, including any comments received during the public review process, has been previously reviewed and considered by the Planning Commission and it is determined that this subsequent discretionary approval of Old Mission Dam does not involve change in circumstances, project changes, or new information of substantial importance which would warrant any additional environmental review.

Staff: Carol Wood – (619) 525-8217
Shannon M. Thomas – Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:16 p.m.)

* ITEM-S403: Two actions related to General Utility and Access Easement Vacations in Black Mountain Ranch.

(Black Mountain Ranch Community Area. District 1.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-1305) ADOPTED AS RESOLUTION R-300550

Vacating the general utility and access easements granted on Maps 14223, 14276 and 14358 vacated in Lots 51, 53, 57, 59, 61, 63, 90, and 92 of Amended Map of Black Mountain Ranch Unit 3 Map No. 14768 and Parcels 2, 3, and 4 of Parcel Map No. 19363 and Lots 9 and 17 of Amended Map of Black Mountain Ranch Unit 5 Map No. 14709, to unencumber his property and facilitate development of the site, under the summary vacation of utility easements, Section 8333(c) of the California Streets and Highway Code.

Subitem-B: (R-2005-1315) ADOPTED AS RESOLUTION R-300551

Vacating the general utility and access easements located within Lots 5, 9, 17, 21, 41, 49, and 53, of Amended Map of Black Mountain Ranch Unit 1 Map No. 14307, to unencumber his property and facilitate development of the site, under the

summary vacation of utility easements, Section 8333(c) of the California Streets and Highway Code.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate general utility and access easements granted on Maps 14223, 14276 and 14358 within Lots 51, 53, 57, 59, 61, 63, 90, and 92 of Amended Map of Black Mountain Ranch Unit 3 Map No. 14768 and Parcels 2, 3, and 4 of Parcel Map No. 19363 and Lots 9 and 17 of Amended Map of Black Mountain Ranch Unit No.5 Map No. 14709 shown on Engineering Drawing No. 00115-C and in Lots 5, 9, 17, 21, 41, 49, and 53 of Amended Map of Black Mountain Ranch Unit 1 Map No. 14307 as shown on Engineering Drawing No. 00056-C. These properties are located southwesterly of San Dieguito Road and Black Mountain Road in the Black Mountain Ranch Community Plan area in Council District 1.

The general utility and access easements being vacated are on private property. The easements were granted on maps that have subsequently been amended to reconfigure the lots, making the existing easements unnecessary. The applicant requests that the easements be vacated in order to better utilize the lots. The design of the new lots provides for the utilities to be private, and therefore to be in private drives rather than in easements, thus no new easements are required. The easements were acquired at no cost to the City. There is no present or anticipated future use for the easements in their present locations. These general utility and access easement vacations are consistent with all previously approved permits.

Staff recommends approval of the vacations.

Oppenheim/Halbert/GRB

Staff: Gerri Bollenbach – (619) 446-5417
David Miller – Deputy City Attorney

FILE LOCATION: DEED F-9912

COUNCIL ACTION: (Time duration: 2:43 p.m. – 2:46 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein.
Passed by the following vote: Peters-yea, Zuchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



ITEM-S404: Appointments and Reappointment to the San Diego Ethics Commission.

(See memorandums from Mayor Dick Murphy dated 6/9/2005, Deputy Mayor Michael Zucchet dated 5/13/2005; Councilmember Donna Frye dated 5/13/2005, Councilmember Jim Madaffer dated 5/3/2005, and Councilmember Ralph Inzunza dated 6/1/2005, with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1323) ADOPTED AS RESOLUTION R-300552,
WITH DIRECTION

Council confirmation of the reappointment and appointments by the Mayor of the City of San Diego, to serve as members of the San Diego Ethics Commission, for terms ending as indicated:

<u>NOMINEE</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Dorothy J. Leonard (Navajo Community, Dist. 7) (Reappointment)	Republican	June 30, 2009
William Ashley (Lee) Biddle (Del Cerro, Dist. 7) (Replacing Dorothy L. Smith, whose term expired)	Democrat (attorney)	June 30, 2009
Guillermo Cabrera (Talmadge, Dist. 3) (Replacing Gregory Vega, whose term expired)	Democrat (attorney)	June 30, 2009

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:47 p.m. – 3:12 p.m.)

MOTION BY MADAFFER TO ADOPT WITH DIRECTION BY COUNCIL MEMBER YOUNG THAT THE CITY ATTORNEY CONSIDER THE APPROPRIATENESS OF

THE ASSISTANT CITY CLERK SPEAKING ON BEHALF OF A NOMINEE FOR THE ETHICS COMMISSION. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 7:47 p.m. in honor of the memory of:

Katrinia R. Williams as requested by Council Member Young;
Jeannie Rae Jones as requested by Council Member Madaffer; and
Donald H. Estes as requested by Council Member Madaffer

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 7:43 p.m. – 7:47 p.m.)